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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,323

03/29/2004

Ichiro Mitsuyoshi

P/1250-271

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,323	Applicant(s) MITSUYOSHI, ICHIRO	
	Examiner Michael Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/09 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlov (US 6,283,692) in view of Koji (JP63017706).

Re claims 1,2, Perlov teaches a substrate processing unit (generally 20), a substrate transfer unit (generally 22,24), a mounting part (generally 58,40), a first and second shelf lines (not numbered), and a transport element (generally 56,72). Perlov does not teach the displacement element vertically moving each of the shelves of the second shelf line. Koji teaches (generally figure 3, also figure 5) a displacing element (generally 8,3, and shelf connections) having a plurality of displacing mechanisms individually displacing each shelf (generally 1,6) of a shelf line so a container transport

(generally 4) can horizontally move containers from one shelf line through another to speed up delivery and reduce space. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Perlov by Koji to have a displacing element having a plurality of displacing mechanisms individually displacing each shelf of a shelf line of a plurality of shelf lines so a container transport can horizontally move containers from one shelf line through another to have the predictable result of speeding up delivery and reducing space required for storing more containers.

Perlov as already modified teaches displacing mechanisms (8,3, and shelf connections) that displace each shelf individually in the vertical direction. In order to speed prosecution, it is also noted that it would have been obvious to one of ordinary skill at the time the invention was made to have tried modifying Perlov to have a series of displacing mechanisms to have achieved the predictable result of reducing individual wear and increasing lifting ability.

Re claims 4,5, Perlov teaches the ability to have different numbers of shelves and shelf lines (column 4, lines 16+). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Perlov to have any number or combination of numbers of shelves to increase versatility.

Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiro (JP 200231785) in view of Koji (JP63017706).

Re claims 1,2, Ichiro teaches a substrate processing unit (generally 1), a substrate transfer unit (generally 50), a mounting part (generally 40), a first and second shelf lines (generally 21) and a transport element (generally 30). Ichiro does not teach the displacement element vertically moving each of the shelves of the second shelf line. Koji teaches (generally figure 3, also figure 5) a displacing element (8,3, and shelf connections) having a plurality of displacing mechanisms individually displacing each shelf (generally 1,6) of a shelf line so a container transport (generally 4) can horizontally move containers from one shelf line through another to speed up delivery and reduce space. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Ichiro by Koji to have a displacing element having a plurality of displacing mechanisms individually displacing each shelf of a shelf line of a plurality of shelf lines so a container transport can horizontally move containers from one shelf line through another to have the predictable result of speeding up delivery and reducing space required for storing more containers.

Ichiro as already modified teaches displacing mechanisms (8,3, and shelf connections) that displace each shelf individually in the vertical direction. In order to speed prosecution it is noted that it would have been obvious to one of ordinary skill at the time the invention was made to have tried modifying Ichiro to have a series of displacing mechanisms to have achieved the predictable result of reducing individual wear and increasing lifting ability.

Claims 4,5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiro (JP 200231785) in view of Koji (JP63017706) and Perlov (US 6,283,692).

Re claims 4,5, Perlov teaches the ability to have different numbers of shelves and shelf lines (column 4, lines 16+) to increase versatility. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried modifying Ichiro to have any number or combination of numbers of shelves to achieve the predictable result of increasing versatility.

Conclusion

Applicant's arguments filed 4/2/09 have been fully considered but they are not persuasive.

Applicant argued generally that changing displacing “element” to “mechanism” overcomes the references. However, Koji’s elements (8,3, and shelf connections) are mechanisms as broadly claimed as it is noted that “mechanism” only requires the item to be “any mechanical device or part of such a device”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Scott Lowe/
Primary Examiner, Art Unit 3652